

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ESMELING BAHENA,

Plaintiff,

v.

RODRIGUEZ, et al.,

Defendants.

Case No. 1:20-cv-01685-AWI-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
ACTION, WITHOUT PREJUDICE

(Doc. Nos. 36, 40)

Esmeling Bahena (“Plaintiff”), a state prisoner, is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 11, 2022, the Magistrate Judge issued Findings and Recommendations recommending that Defendants’ motion for summary judgment be granted and the instant action be dismissed, without prejudice for failure to exhaust the administrative remedies. Doc. No. 40. The Findings and Recommendations were served on the parties and contained notice that objections were to be filed within twenty-one days. *Id.* To date, no objections have been filed and the time to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

Based on the foregoing, it is HEREBY ORDERED that:

1. The Findings and Recommendations filed on February 11, 2022 (Doc. No. 40), are adopted in full;
2. Defendants' motion for summary judgment is granted; and
3. The instant action is dismissed, without prejudice, for failure to exhaust the administrative remedies.

IT IS SO ORDERED.

Dated: March 23, 2022



SENIOR DISTRICT JUDGE